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Gerard Auvray

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

SHARMA, SUJATHA R

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/000,362

Applicant(s)

AUVRAY ET AL.

Examiner

Sujatha Sharma

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2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/11/07
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

Claim 12 should depend from claim 5 rather than from claim 1. Appropriate correction is required

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 1-3,5-7,9-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Lidbetter [EP 1 079 547].

Regarding claim 1,5 Lidbetter discloses a system and method of providing a mobile telephone service on board a vehicle (see col. 1, lines 3-5 and fig. 1), said system being connected to a public land mobile network (see 4 in Fig. 1) via a satellite (see 6 in fig.1) and including means for setting up at least one transport connection between said vehicle and said public land mobile network before receiving a call request and for then using said transport connection for a call as soon as a request to set up a call is received. In col. 2, lines 43-45, Lidbetter discloses a method where a tracking radio link is used for connecting a moveable base station transceiver to the switching system.

Then in col. 3, lines 1-5 Lidbetter discloses that the tracking radio link provides a radio connection between the radiotelephone and the fixed network connected to the switching system. Further in col. 3, lines 6-14 Lidbetter discloses that the tracking radio link helps the ship

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to remain in contact with the earth station through one satellite for an entire voyage. Lidbetter in col. 4, lines 41-44 further discloses that the satellite connection provides a signaling /control channel and by definition (as given in "Mobile cellular communications" by William C.Y. Lee) the signaling/control channel in telecommunication is used for setting up a call connection.

Since the signaling/control channel is established before call setup, as soon as there is a request for a call setup meaning as soon as the user dials the number to call, since the control/transport channel is already setup, the call is established.

The examiner would again like to point out that the limitation "transport channel / continuous channel" as defined by the applicant is given a broad interpretation wherein when the mobile is turned on a control channel is set up between the mobile station and the base station which facilitates the communication between the mobile station and the base station when the mobile user wishes to make a call. Thus the control channel here meets the claim limitation of setting up a transport channel prior to the call set up.

Regarding claims 2,6 Lidbetter discloses a method in col. 3, lines 1-5 that the tracking radio link provides a radio connection between the radiotelephone and the fixed network connected to the switching system. Lidbetter in col. 4, lines 41-44 further discloses that the satellite connection provides a signaling channel and by definition (as given in "Mobile cellular communications" by William C.Y. Lee) the signaling/control channel in telecommunication is used for setting up a call connection. The signaling channel that is established does not immediately or automatically start a call setup. When a cellular phone is turned on, a signaling channel is setup between the base station and the cellular device and this signaling channel will

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monitor the link between the base transceiver and the cellular device. When the user of the cellular device wishes to make a call and starts the dialing process, then the signaling channel will start the call setup process i.e. assigning the right traffic channel and/or resources needed for the call. Therefore until the time the user wishes to make a call, the signaling/transport channel is on standby mode

Regarding claims 3,7 Lidbetter discloses a method wherein the duration of said transport connection is limited and reactivated in accordance with a time-delay. See col. 3, lines 19-22 and paragraph 13. Here a tracking radio link gives a continuous coverage of the footprint for the entire voyage of the vessel. In col. 3, lines 19-22 and paragraph 13, Lidbetter discloses a method where the satellite link is reactivated after a time delay when the ship again leaves the shore and when there is no interference to the base station on board from the fixed base station on shore. Thus when the satellite link is reactivated a supervisory control channel/transport channel is again established between the mobile station and the fixed network thus once again establishing connection between the mobile station and base station as discussed in the rejection of claim 1

Regarding claim 9, Lidbetter discloses a method wherein said transport connection can be used without further selection process when said request to set up a call is received. See col. 2, paragraphs 6,7,8 where the tracking radio link provides a continuous transport link and see also col. 2, paragraph 10, col. 3, paragraph 11, col. 4, paragraph 16 where a signaling channel is established that can be used to setup a call as soon as a request for call setup is rec'd without any further selection process.

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Regarding claims 10, 12 Lidbetter further discloses a method wherein said transport connection is a connection for a single call. See col. 2, paragraphs 6, 7, 8 where the tracking radio link provides a continuous transport link that can be used to setup a call as soon as a request for call setup is received. See also col. 2, paragraph 10, col. 3, paragraph 11, col. 4, paragraph 16 where a signaling channel is established that can be used to setup a call as soon as a request for call setup is received

Regarding claim 11, Lidbetter further discloses a method wherein said transport connection can be used without further selection process when said request to set up a call is received. See col. 2, paragraphs 6, 7, 8 where the tracking radio link provides a continuous transport link that can be used to setup a call as soon as a request for call setup is rec'd. See also col. 2, paragraph 10, col. 3, paragraph 11, col. 4, paragraph 16

Regarding claims 13, 14 Lidbetter discloses a method wherein said transport connection consumes substantially no resources in said standby state. See col. 2, paragraphs 6, 7, 8 where the tracking radio link provides a continuous transport link that can be used to setup a call as soon as a request for call setup is rec'd and see also col. 2, paragraph 10, col. 3, paragraph 11, col. 4, paragraph 16 where a signaling channel is established that can be used to setup a call as soon as a request for call setup is rec'd. As discussed in the rejection of claim 1, the signaling channel is used for call setup and to allocate the appropriate resources needed for the call. Further, The signaling channel that is established does not immediately or automatically start a call setup. When a cellular phone is turned on, a signaling channel is setup between the base station and the

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cellular device and this signaling channel will monitor the link between the base transceiver and the cellular device. When the user of the cellular device wishes to make a call and starts the dialing process, then the signaling channel will start the call setup process i.e. assigning the right traffic channel and/or resources needed for the call. Therefore until the time the user wishes to make a call, the signaling/transport channel is on standby mode and no resources are used

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4,8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lidbetter [US EP 1 079 547] in view of Horrер [US 6,321,084].

Regarding claims 4,8 Lidbetter discloses all the limitations as claimed. However he does not disclose in particular wherein said vehicles are aircraft.

Horrer, in the same field of invention, teaches a method of setting up telecommunication for persons on board a vehicle such as an aircraft. See col. 2, lines 25-41.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Horrер to Lidbetter in order that the person subscribed to a telecommunications network continues to be reachable in stationary or mobile facilities such as aircrafts.

Response to Arguments

4. The applicant argues that the primary reference Lidbetter fails to disclose a method where a transport / continuous channel is set up before the call is made so that when the user initiates a call the connection time is reduced.

The examiner respectfully disagrees. In fact the applicant himself admits that the Lidbetter reference shows some aspect of a continuous channel but then there is no detailed discussion about it.

The examiner would again like to point out that the limitation "transport channel / continuous channel" as defined by the applicant is given a broad interpretation wherein when the mobile is turned on a control channel is set up between the mobile station and the base station which facilitates the communication between the mobile station and the base station when the mobile user wishes to make a call. Thus the control channel here meets the claim limitation of setting up a transport channel prior to the call set up.

Therefore the claims 1-8 as submitted in the previous office action and as discussed above are considered proper. Further the newly added claims 9-14 are also addressed in the above office action.

Conclusion


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sujatha Sharma
April 11, 2007



MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER